

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Case No. 25-10858

466

KP Investments Miami, LLC v. Mario Mirabal

SUBMISSION:

Supervisory Motion to Chief Judge under FRAP 27(d) and 28 U.S.C. § 332(d)

Certificate of Service

Certificate of Compliance

CIP LIST in body

Filed by:

Mario Mirabal

Pro Se Appellant

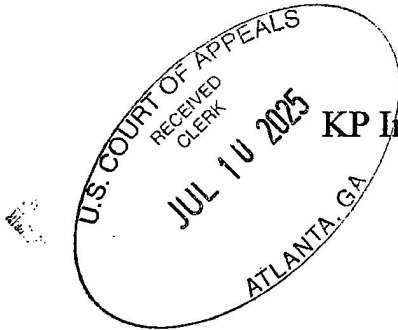
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Date: July 8, 2025

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT



Case No. 25-10858

KP Investments Miami, LLC, Appellee

v.

Mario Mirabal, Appellant

MOTION FOR SUPERVISORY REVIEW BY CHIEF JUDGE
PURSUANT TO RULE 27(d) REGARDING CLERK'S REFUSAL TO
PROCESS RULE 27 MOTION (ENTRY #32)

TO THE HONORABLE WILLIAM H. PRYOR JR.,
CHIEF JUDGE OF THE ELEVENTH CIRCUIT:

TABLE OF CONTENTS

Background

Procedural Error and Clerk-Level Suppression

Request for Supervisory Review

Conclusion

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I. BACKGROUND

On June 26, 2025, Appellant Mario Mirabal filed Entry #32: an Emergency Rule 27(d) Motion seeking correction of the docket record across this and several consolidated appeals. The motion:

Identified clerical mismatches in docket labeling and case tracking;

Notified the Court of improper consolidation assumptions;

Cited administrative suppression of Rule 60(d)(3) and jurisdictional motions.

The motion was timely and procedurally valid, citing clear authority under Rule 27(d) for correction of the record.

II. PROCEDURAL ERROR AND CLERK-LEVEL SUPPRESSION

On June 27, 2025, Entry #33 was entered stating:

“Notice that no action will be taken on the appellant’s ‘Emergency Rule 27(d) Motion’ because this appeal is closed.”

This response:

Did not address the jurisdictional impact of the motion on related dockets;

Did not refer the motion to a judicial panel or the Clerk's advisory judges;

Denied Appellant an opportunity to correct the record despite jurisdictional inconsistency.

Correction of record content — particularly where fraud-based suppression is alleged — remains squarely within the Court's oversight authority.

III. REQUEST FOR SUPERVISORY REVIEW

Appellant respectfully requests that the Chief Judge:

Review the Clerk's refusal to process Entry #32, which implicates judicial mislabeling and affects multiple related appeals and mandamus actions;

Order reinstatement, docketing, or referral of the Rule 27(d) motion to a panel for review;

Issue guidance that motions to correct docket integrity cannot be procedurally extinguished where fraud-on-the-court allegations and jurisdictional conflicts remain unresolved.

Pursuant to 28 U.S.C. § 332(d), the Chief Judge may intervene to ensure

appellate administration is executed “fairly and consistently with the requirements of justice.”

IV. CONCLUSION

In the interest of structural due process and appellate integrity, Appellant respectfully requests that:

Entry #32 be formally reactivated, acknowledged, or reassigned;

Suppression of Rule 60(d)(3)-based filings via “no action” notices be addressed at the circuit level;

A memorandum be issued to the Clerk’s Office instructing that docket correction motions filed in the context of fraud or jurisdictional suppression be referred to judicial review.

CIP LIST

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Unified List for All Related Federal Appeals

Pursuant to 11th Cir. R. 26.1-1 through 26.1-3, the undersigned certifies that the following individuals, entities, attorneys, and judges have an interest in the outcome of this appeal or are related to the underlying and parallel proceedings:

Relator / Appellant / Petitioner

– Mario Mirabal (Pro Se)

Opposing Parties / Appellees / Plaintiffs

– Deutsche Bank National Trust Company

– PHH Mortgage Corporation (servicer)

– KP Investments Miami, LLC

-- RAS LaVrar, LLC

Attorneys for KP Investments / Deutsche Bank

– John Cunill, Esq. – The Cunill Law Firm, PA

– Kenneth Damas – formerly of Adorno & Cunill, P.A.

– Mehwish A. Yousuf – Counsel for Deutsche Bank

-- Ari Newman Counsel for Deutsche Bank

-- Matthew Marks Counsel for Deutsche Bank

Presiding Judges in Related Federal District Court Cases

– Judge Jose E. Martinez (S.D. Fla.) – Cases: 1:25-cv-20747-JEM, 1:25-cv-20746-JEM

– Judge Paul C. Huck (S.D. Fla.) – Case: 1:25-cv-20010-PCH

– Judge Jacqueline Becerra (S.D. Fla., reassigned case) – Case: 1:25-cv-20011-JEM

State Court Judges in Underlying Litigation

- Judge Javier Enriquez – 2018-018704-CA-01 (Deutsche Bank)
 - Judge Brinkley -- formerly assigned
 - Judge Bokor -- formerly assigned
- Judge Jason Dimitris – 2022-004706-CA-01 (KP Investments, Specific Performance)
- Judge Ariana Fajardo Orshan – 2024-022769-CA-01 (KP Investments, Ejectment)
- Judge David Miller (formerly assigned in specific performance suit)
- Judge Corali Lopez-Castro – Bankruptcy Court (adversary proceeding dismissed)

Appellate Courts & Cases (11th Circuit)

- 25-10858 – KP v. Mirabal (District: 1:25-cv-20688-JEM)
- 25-10862 – KP v. Mirabal (District: 1:25-cv-20747-JEM)
- 25-11120 – In re: Mario Mirabal (Writ re: Judge Martinez/Orshan Remand Protective Filing)
- 25-11182 – In re: Mario Mirabal (Second Writ – Protective Filing)
- 25-11183 – In re: Mario Mirabal (Writ re: Judge Huck and Case 1:25-cv-20010-PCH protective Filing)
- 25-11254 – In re: Mario Mirabal (Writ of Mandamus arising from Case No. 1:25-cv-20688-JEM Judge Jose E. Martinez)

State Appellate Court

- 3D2025-0540 – 3rd District Court of Appeal (FL) – Appeal of Orshan

default judgment while under 11th District US Appeals Court jurisdiction

The undersigned affirms this list is complete and accurate to the best of his knowledge and will be updated as necessary.


Mario Mirabal

Pro Se Appellant

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Miami Beach, FL 33140

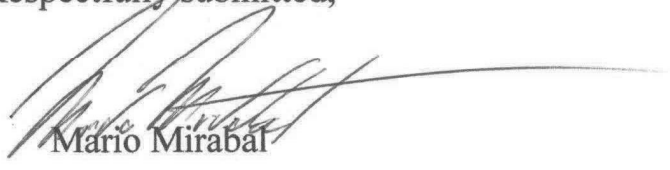
solphax@gmail.com | (786) 479-6596

Date: July 8, 2025

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2025, a true and correct copy of the foregoing Supervisory Motion to Chief Judge was served via U.S. Mail and/or electronic service to all parties listed in the Court's docket and filed with the Clerk of Court for the Eleventh Circuit.

Respectfully submitted,


Mario Mirabal

Pro Se Appellant

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CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2), contains fewer than 5,200 words, and is prepared in a proportionally spaced 14-point Times New Roman font.

Mario Mirabal

25-10858-66

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